

Remarks

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1-16 are presented for examination.

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Singh et al. (U.S. Patent No. 6,885,102) in view of Kajinuma (U.S. Patent No. 6,722,910).

Applicants submit that Singh may not be considered as prior art precluding patentability of the present application.

Section 103(c) states that:

Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Singh is considered prior art under 35 U.S.C. §102(e) because it was filed prior to the filing of the present application, but was published after the filing of the present application (effective filing date: 09-19-2003). Additionally, at the time of conception of the present application, the Singh reference and the application were both subject to an obligation of assignment to Intel Corporation. Therefore, due to the §102(e) status, and in light of §103(c), Singh cannot be used as a reference to preclude the patentability of claims 1-16 under 35 U.S.C §103. Applicants respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. §103 in view of Singh and Kajinuma since Kajinuma alone does not preclude the patentability of claims 1-16.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.


The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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